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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY A. AUSTIN,
Plaintiff,
v.
STATE OF CALIFORNIA,
Defendant.

No. C-15-0507 EMC

**ORDER RE REFERRAL NOTICE OF
PLAINTIFF'S IN FORMA PAUPERIS
STATUS**

The Ninth Circuit has made a referral to this Court, asking it to determine whether in forma pauperis status should continue on the appeal taken by Plaintiff-Appellant Gregory A. Austin or whether the appeal is frivolous or taken in bad faith. "For purposes of [28 U.S.C. §] 1915, an appeal is frivolous if it lacks any arguable basis in law or fact." *Ortega v. Barbasa*, No. C 11-1003 SBA (PR), 2014 U.S. Dist. LEXIS 13254, at *8 (N.D. Cal. Feb. 3, 2014).

For the reasons stated in its order dismissing the complaint with prejudice, *see* Docket No. 9 (order), the Court finds the appeal frivolous and makes certification of such to the Ninth Circuit.

The Clerk of the Court shall forthwith notify Mr. Austin and the Ninth Circuit of this order. *See* Fed. R. App. P. 24(a)(4).

IT IS SO ORDERED.

Dated: March 24, 2015


EDWARD M. CHEN
United States District Judge